

AUG 16 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James A. Proctor, Jr.

Application No.: 10/767,843 Group Art Unit: 2661

Filed: January 29, 2004 Examiner: Not assigned

Confirmation No.: 2970

Title: METHOD FOR COMPENSATING FOR MULTI-PATH OF A CDMA
REVERSE LINK UTILIZING AN ORTHOGONAL CHANNEL STRUCTURE

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States
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Aug. 13, 2004 Elaine Leahy

Date

Signature

Elaine Leahy

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INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

under 37 CFR 1.129(a), or
(First/Second submission after Final Rejection)

under 37 CFR 1.97(b), or

(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).

under 37 CFR 1.97(c) together with either:

a Statement under 37 CFR 1.97(e), as checked below, or

a \$180.00 fee under 37 CFR 1.17(p), or

(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)

under 37 CFR 1.97(d) together with:

a Statement under 37 CFR 1.97(e), as checked below, and

a \$180.00 fee under 37 CFR 1.17(p), or

(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)

under 37 CFR 1.97(i):

Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper.

(Filed after payment of issue fee)



Statement Under 37 CFR 1.97(e)

- Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

Enclosed herewith is form PTO-1449:

- Copies of the cited references are enclosed.
 - Since this application was filed after June 30, 2003, copies of issued U.S. patents and published U.S. applications are not required and are not being provided.
 - Copies of the cited references are enclosed except those entered in prior application, U.S. Application No. [], to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]
 - The listed references were cited in the enclosed International Search Report in a counterpart foreign application.
 - The "concise explanation" requirement (non-English references) for reference(s) [] under 37 CFR 1.98(a)(3) is satisfied by:
 - the explanation provided on the attached sheet.
 - the explanation provided in the Specification.
 - submission of the enclosed International Search Report.
 - submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.
 - the enclosed English language abstract.

[] Applicant requests that the following non-published pending applications be considered:

Examiner's
Initials

____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []

____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []

____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []

____ Examiner

____ Date

[] A copy of each above-cited application, including the current claims, is enclosed.

[] A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

[] A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.

[] Please charge Deposit Account 08-0380 in the amount of \$[]. A copy of this Statement is enclosed.

[X] Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

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Dated: 8/13/04

PTO-1449 REPRODUCED O I P E INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>AUG 16 2004</i> August 12, 2004 (Use several sheets if necessary)		ATTORNEY DOCKET NO. 2479.2166-000	APPLICATION NO. 10/767,843
		FIRST NAMED INVENTOR James A. Proctor, Jr.	FILING DATE January 29, 2004
		EXAMINER not assigned	CONFIRMATION NO. 2970
			GROUP 2661

U.S. PATENT DOCUMENTS				
EXAMINER INITIAL	REF. NO.	DOCUMENT NUMBER Number-Kind Code (if known)	ISSUE DATE / PUBLICATION DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT
	AA	5,414,728	05-09-1995	Zehavi
	AB	6,044,074	03-28-2000	Zehavi, <i>et al.</i>
	AG	6,091,760	07-08-2003	Giallorenzi, <i>et al.</i>
	AD	6,240,292 B1	05-29-2001	Haberman, <i>et al.</i>
	AB	6,249,517 B1	06-19-2001	Roh, <i>et al.</i>
	AF	6,266,363 B1	07-24-2001	Hiramatsu
	AG	6,456,612 B1	09-24-2002	Kim, <i>et al.</i>
	AH	6,563,808 B1	05-13-2003	Cox, <i>et al.</i>
	AJ	6,563,808 B1	07-08-2003	Preuss, <i>et al.</i>
	AJ	4,460,992	07-17-1984	Gutleber
	AK	5,103,459	04-07-1992	Gilhousen, <i>et al.</i>
	AA2			
	AB2			
	AG2			
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	AI2			
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EXAMINER	DATE CONSIDERED
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